

David L. Wallach (State Bar No. 233432)  
dwallach@jonesday.com  
JONES DAY  
555 California Street  
San Francisco, CA 94105  
Telephone: (415) 626-3939  
Facsimile: (415) 875-5700

Attorneys for Defendant  
EXPERIAN INFORMATION SOLUTIONS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**MOHAMED ABOUELHASSAN**

**Plaintiff,**

**v.**

**CHASE BANK USA, N.A., EXPERIAN  
INFORMATION SOLUTIONS, INC.,  
EQUIFAX INFORMATION SERVICES,  
LLC, TRANS UNION.**

**Defendant.**

**Case No. C-07-03951 JF**

**EXPERIAN INFORMATION  
SOLUTIONS, INC.'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Defendant Experian Information Solutions, Inc. ("Experian") files its Original Answer and Affirmative Defenses to Plaintiff's First Amended Complaint ("Complaint") filed by Mohamed Abouelhassan as follows:

1. Experian lacks knowledge or information sufficient to form a belief as to the truth or falsity of the averments in paragraph 1, and on that basis, denies those averments.
2. In response to the averments contained in paragraph 2 of the Complaint, Experian admits that it does business in California and is subject to personal jurisdiction. Experian lacks the knowledge or information sufficient to form a belief as to the truth or falsity of the other averments that purport to apply to other defendants, and on that basis, denies those averments.

1           3.       In response to the averments contained in paragraph 3 of the Complaint, Experian  
2 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 averments that purport to apply to other defendants and, on that basis, denies those averments.  
4 Experian denies the remaining averments contained in paragraph 3 of the Complaint.

5           4.       In response to the averments contained in paragraph 4 of the Complaint, Experian  
6 admits that venue is proper. However, Experian expressly denies that it is liable to Plaintiff or  
7 that Plaintiff's Complaint states a cause of action against Experian.

8           5.       Experian lacks knowledge or information sufficient to form a belief as to the truth  
9 or falsity of the averments in paragraph 5 of the Complaint, and on that basis, denies those  
10 averments.

11          6.       In response to the averments contained in paragraph 6 of the Complaint, Experian  
12 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
13 averments that purport to apply to other defendants and, on that basis, denies those averments.  
14 Experian denies the remaining averments contained in paragraph 6 of the Complaint.

15          7.       In response to the averments contained in paragraph 7 of the Complaint, Experian  
16 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
17 averments that purport to apply to other defendants and, on that basis, denies those averments.  
18 Experian denies the remaining averments contained in paragraph 7 of the Complaint.

19          8.       Paragraph 8 of the Complaint does not require an answer because it does not  
20 include any factual averments. To the extent an answer is required, Experian denies the  
21 averments in paragraph 8.

22          9.       Experian lacks knowledge or information sufficient to form a belief as to the truth  
23 or falsity of the averments in paragraph 9 of the Complaint, and on that basis, denies those  
24 averments.

25          10.       In response to the averments contained in paragraph 10 of the Complaint, Experian  
26 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
27 averments that purport to apply to other defendants and, on that basis, denies those averments.  
28 Experian denies the remaining averments contained in paragraph 10 of the Complaint.

1           11.     In response to the averments contained in paragraph 11 of the Complaint, Experian  
2 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 averments that purport to apply to third parties and other defendants and, on that basis, denies  
4 those averments. Experian denies the remaining averments contained in paragraph 11 of the  
5 Complaint.

6           12.     In response to the averments contained in paragraph 12 of the Complaint, Experian  
7 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
8 averments that purport to apply to plaintiff and other defendants and, on that basis, denies those  
9 averments. Experian denies the remaining averments contained in paragraph 12 of the  
10 Complaint.

11           13.     In response to the averments contained in paragraph 13 of the Complaint, Experian  
12 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
13 averments that purport to apply to plaintiff and other defendants and, on that basis, denies those  
14 averments. Experian denies the remaining averments contained in paragraph 13 of the  
15 Complaint.

16           14.     In response to the averments contained in paragraph 14 of the Complaint, Experian  
17 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
18 averments that purport to apply to plaintiff and other defendants and, on that basis, denies those  
19 averments. Experian denies the remaining averments contained in paragraph 14 of the  
20 Complaint.

21           15.     In response to the averments contained in paragraph 15 of the Complaint, Experian  
22 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
23 averments that purport to apply to plaintiff and other defendants and, on that basis, denies those  
24 averments. Experian denies the remaining averments contained in paragraph 15 of the  
25 Complaint.

26           16.     In response to the averments contained in paragraph 16 of the Complaint, Experian  
27 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
28

1 averments that purport to apply to other defendants and, on that basis, denies those averments.

2 Experian denies the remaining averments contained in paragraph 16 of the Complaint.

3 17. In response to the averments contained in paragraph 17 of the Complaint, Experian  
4 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
5 averments that purport to apply to plaintiff and other defendants and, on that basis, denies those  
6 averments. Experian denies the remaining averments contained in paragraph 17 of the  
7 Complaint.

8 18. In response to the averments contained in paragraph 18 of the Complaint, Experian  
9 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
10 averments that purport to apply to plaintiff and other defendants and, on that basis, denies those  
11 averments. Experian denies the remaining averments contained in paragraph 18 of the  
12 Complaint.

13 19. In response to the averments contained in paragraph 19 of the Complaint, Experian  
14 lacks knowledge or information sufficient to form a belief as to the truth or falsity of those  
15 averments and, on that basis, denies them.

16 20. In response to the averments contained in paragraph 20 of the Complaint, Experian  
17 lacks knowledge or information sufficient to form a belief as to the truth or falsity of those  
18 averments and, on that basis, denies them.

19 21. In response to the averments contained in paragraph 21 of the Complaint, Experian  
20 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
21 averments that purport to apply other defendants and, on that basis, denies those averments.  
22 Experian denies the remaining averments contained in paragraph 21 of the Complaint.

23 22. In response to the averments contained in paragraph 22 of the Complaint, Experian  
24 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
25 averments that purport to apply to plaintiff and other defendants and, on that basis, denies those  
26 averments. Experian denies the remaining averments contained in paragraph 22 of the  
27 Complaint.  
28

1           23.     In response to the averments contained in paragraph 23 of the Complaint, Experian  
2 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
3 averments that purport to apply to other defendants and, on that basis, denies those averments.  
4 Experian denies the remaining averments contained in paragraph 23 of the Complaint.

5           24.     In response to the averments contained in paragraph 24 of the Complaint, Experian  
6 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
7 averments that purport to apply to third parties and other defendants and, on that basis, denies  
8 those averments. Experian denies the remaining averments contained in paragraph 24 of the  
9 Complaint.

10          25.     In response to the averments contained in paragraph 25 of the Complaint, Experian  
11 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
12 averments that purport to apply to plaintiff, third parties and other defendants and, on that basis,  
13 denies those averments. Experian denies the remaining averments contained in paragraph 25 of  
14 the Complaint.

15          26.     Paragraph 26 of the Complaint does not require an answer because it does not  
16 include any factual averments. To the extent an answer is required, Experian denies the  
17 averments in paragraph 26.

18          27.     In response to the averments contained in paragraph 27 of the Complaint, Experian  
19 lacks knowledge or information sufficient to form a belief as to the truth or falsity of those  
20 averments and, on that basis, denies them.

21          28.     In response to the averments contained in paragraph 28 of the Complaint, Experian  
22 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
23 averments that purport to apply to other defendants and, on that basis, denies those averments.  
24 Experian denies the remaining averments contained in paragraph 28 of the Complaint.

25          29.     Paragraph 29 of the Complaint does not require an answer because it does not  
26 include any factual averments. To the extent an answer is required, Experian denies the  
27 averments in paragraph 29.

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1           30. In response to the averments contained in paragraph 30 of the Complaint, Experian  
2 lacks knowledge or information sufficient to form a belief as to the truth or falsity of those  
3 averments and, on that basis, denies them.

4           31. In response to the averments contained in paragraph 31 of the Complaint, Experian  
5 lacks knowledge or information sufficient to form a belief as to the truth or falsity of the  
6 averments that purport to apply to other defendants and, on that basis, denies those averments.  
7 Experian denies the remaining averments contained in paragraph 31 of the Complaint.

8           32. In response to the averments contained in the unnumbered paragraph beginning  
9 “Wherefore” and each of its subparts, Experian denies that plaintiff is entitled to any relief sought  
10 in the Complaint or to any other relief whatsoever against Experian. Experian denies the  
11 remaining averments of these unnumbered paragraphs.

12                                   **AFFIRMATIVE DEFENSES**

13           33. In addition to the responses to the individual paragraphs above, Experian further  
14 pleads the following affirmative defenses.

15                                   **FIRST DEFENSE**

16           34. As an affirmative defense, Experian states that the injuries and damages allegedly  
17 sustained by plaintiff were directly and proximately caused by the acts of others, including  
18 plaintiff himself

19                                   **SECOND DEFENSE**

20           35. As an affirmative defense, Experian states that plaintiff’s rights of recovery are  
21 barred by the doctrines of waiver, estoppel or laches and by the statute of limitations as set out in  
22 15 U.S.C. §1681p, and any other applicable statute of limitations.

23                                   **THIRD DEFENSE**

24           36. As an affirmative defense, Experian states that plaintiff’s claims against Experian  
25 are barred by the qualified immunity of 15 U.S.C. § 1681h(e).

**FOURTH DEFENSE**

37. As an affirmative defense, Experian states that plaintiff's rights of recovery based upon any alleged action or proceeding under state or common law are barred pursuant to 15 U.S.C. §1681h(e).

**FIFTH DEFENSE**

38. As an affirmative defense, Experian states that all or part of the damages allegedly suffered by plaintiffs in this action were caused by plaintiff's failure to mitigate damages as required by law.

**SIXTH DEFENSE**

39. As an affirmative defense, Experian states that plaintiff is barred from recovery to the extent plaintiff was contributorily and/or comparatively negligent.

**SEVENTH DEFENSE**

40. As an affirmative defense, Experian states that the complaint fails to state a claim upon which relief can be granted to the plaintiffs and should be dismissed.

**EIGHTH DEFENSE**

41. As an affirmative defense, Experian states that any claims for punitive or exemplary damages violate Experian's right to due process of law under the United States and California Constitutions.

**PRAYER**

WHEREFORE, defendant Experian prays that plaintiff take nothing as a result of this suit, that this action be dismissed in its entirety, and that Experian be awarded all costs, including reasonable attorney's fees, and other relief that the Court deems just and proper.

1 Dated: December 17, 2007

JONES DAY

3 By: /S/ David L. Wallach

David L. Wallach

California Bar No. 233432

JONES DAY

555 California Street

San Francisco, CA 94105

Telephone: (415) 626-3939

Facsimile: (415) 875-5700

dwallach@jonesday.com

8 Attorneys for Defendant

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INC.

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